

disclaimer.

Please amend claims 1, 4, 6-7, 14-16, 18-22, 24-25, and 28 as shown on Attachment "A" hereto. A clean copy of the amended claims is herewith provided as Attachment "B".

**REMARKS**

Claims 1, 4-16, 18-26, and 28-29 are pending in the application of which claims 10-13, 26 and 29 have been withdrawn from consideration; claims 1, 4-9, 14-16, 18-25, and 28 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks.

In the outstanding Office Action claim 1 was objected to due to an informality; claims 1, 4-6, 8-9, 14-20, 25, and 27-28 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,250,714 to Wieclawski; claims 7 and 22-24 were rejected under 35 U.S.C. § 103(a) as obvious over the Wieclawski '714 patent in view of U.S. Patent No. 5,884,968 to Massara; and claim 21 was rejected under 35 U.S.C. § 103(a) as obvious over the Wieclawski '714 patent.

By this Response and Amendment independent claims 1 and 15 are amended to further differentiate the claimed invention over the cited prior art.

Support for the amendments to claims 1 and 15 is found in the originally filed drawings of Figs. 1-19.

It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

**Claim Objection**

Claim 1 was objected to for using the word "position" instead of --portion--.

**RESPONSE**

Claim 1 has been amended as suggested by the Examiner thereby obviating the objection.

Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

**Rejection Under 35 U.S.C. § 102**

The Examiner rejected claims 1, 4-6, 8-9, 14-20, 25, and 27-28 stating:

Wieclawski discloses a seatback that includes all the limitations recited in claims 1, 4-6, 8, 9, 14-20, 25, 27, and 28. Wieclawski shows a seatback having a seatback frame 28 (Fig. 1), a cross frame 44 (Fig. 2) fixed to the side frames, a headrest member (Fig. 2) with a supporting member 30 (Fig. 2) including an I-shaped pressure receiving portion 42 (Fig. 2) and a holder 8 (Fig. 2), a pivotal element 32 (Fig. 2) rotatably supported on the cross frame having stopper faces, and a biasing means 40 (Fig. 2).

**RESPONSE**

Claims 17 and 27 have been canceled thereby rendering their rejections moot.

Independent claims 1 and 15 have been amended to further differentiate the claimed invention over the cited prior art. As amended the rejections are respectfully traversed.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent claim 1 has been amended to include, *inter alia*, the limitation that the seatback frame comprises a cross frame disposed between the side frames and **in front of** the supporting member for stopping the headrest member from pivotal rotation.

As claimed in claim 1, and as shown in the embodiments of Figs. 5-7, a seatback frame 4 includes side frames 2 spaced apart from each other. The seatback includes a headrest member 3, 22, 7B, 35B supported by the seatback frame 4 and rotatable relative to the side frames 2 about a pivot 5. The headrest member includes a headrest 3 mounted on the seatback frame. The headrest member includes a supporting member 7B, 35B including a pressure receiving portion 38B. The supporting member is disposed between the side

frames 2 and supporting the headrest 3. The seatback frame includes a cross frame 10 disposed between the side frames and **in front of** the supporting member for stopping the headrest member from pivotal motion.

Independent claim 15 has been similarly amended to include, inter alia, the limitation a stopper fixed to the side frame and disposed **in front of** the headrest for stopping the headrest from pivotal motion.

As claimed in claim 15, the seatback includes a seatback frame 4 including a side frame 2. The seatback includes a headrest 3, 13, 22, 7B, 35B supported by the seatback frame and rotatable relative to the side frame about a pivot 5. The seatback includes a stopper 10 fixed to the side frame and disposed **in front of** the headrest for stopping the headrest from pivotal motion.

In contrast, the cited Wieclawski '019 patent discloses side frame 22 and headrest member 6, 30 rotatable relative to side frames 22. However, cross frame 44 is **NOT** disposed **in front of** headrest member 6, 30, at rear of headrest 42.

Moreover, the cross frame and stopper 10 of claims 1 and 15 prevent load from exerting on a supporting member or headrestember 3, 22 except for pressure receiving portion or pressure receiving member 35B.

On the other hand, the cross frame 44 of the Wieclawski '019 patent causes load to exert on supporting member or headrest member

30 except for impact frame 42.

It is therefore submitted that claims 1 and 15 are patentable over the cited prior art.

Claims 4-6, 8-9, and 14, each ultimately dependent from claim 1, are asserted to be patentable over the cited prior art for at least the same reasons that claim 1 is patentable thereover. Claims 16, 18-20, 25, and 28, each ultimately dependent from claim 15, are asserted to be patentable over the cited prior art for at least the same reasons that claim 15 is patentable thereover.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

**Rejections Under 35 U.S.C. § 103**

The Examiner rejected claims 7 and 22-24 were rejected under 35 U.S.C. § 103(a) as obvious over the Wieclawski '714 patent in view of U.S. Patent No. 5,884,968 to Massara; and claim 21 was rejected under 35 U.S.C. § 103(a) as obvious over the Wieclawski '714 patent.

**RESPONSE**

Applicant incorporates herein by reference the arguments presented above in response to the rejections under section 102, and respectfully submits that claim 7, ultimately dependent from claim 1, is patentable over the cited prior art for at least the

Attorney Docket No. 24350

same reasons that claim 1 is patentable thereover; and that claims 21-24, each ultimately dependent from claim 15, are patentable over the cited prior art for at least the same reasons that claim 15 is patentable thereover.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

**CONCLUSION**

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,

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**Attachment "A"**

(Marked-Up Copy of Amended Claims)

1. (Thrice Amended) A seatback for an automobile comprising:

a seatback frame comprising:

side frames spaced apart from each other; [and]

[a cross frame fixed between the side frames; and]

a headrest member supported by the seatback frame and rotatable relative to the side frames about a pivot,

the headrest member comprising:

a headrest mounted on the [cross] seatback frame;

and

a supporting member including a pressure receiving [position] portion, the supporting member being disposed between the side frames[, the supporting member] and supporting the headrest[, the pressure receiving portion and the headrest having the cross frame disposed therebetween]; and

[a pivotal element rotatably supported to the cross frame, the pivotal element supporting rotatably the supporting member thereon]

wherein the seatback frame comprises a cross frame disposed between the side frames and in front of the supporting member for stopping the headrest member from pivotal motion.

4. (Twice Amended) A seatback according to claim 1,  
wherein the supporting member comprises:  
a holder [having] fitted with the headrest [fitted therein];

and

a [headrest] supporting [portion provided between] member  
body fixed with the holder and the pressure receiving portion.

6. (Twice Amended) A seatback according to claim 1, further  
comprising:

a biasing means fixed between the side frames for biasing  
forwardly the pressure receiving portion.

7. (Twice Amended) A seatback according to claim 6,  
wherein the pressure receiving portion is covered with a  
cover made of a synthetic resin, and the cover [includes] has a  
hook engaged with the biasing means.

14. (Twice Amended) A seatback according to claim 1,  
wherein the cross frame is bridged between upper ends of the  
side frames.

15. (Thrice Amended) A seatback for an automobile  
comprising:

a seatback frame including:

a side frame[s spaced apart from each other]; [and]  
[a cross frame fixed between the side frames;]  
a headrest [mounted on the cross frame] supported by the  
seatback frame and rotatable relative to the side frame about a  
pivot; and

[a supporting member having a first end, a second end and an intermediate part between the first end and the second end, the first end supporting the headrest, the second end being configured to receive a load by a pressurizing element; and]

[a pivotal element supporting rotatably the intermediate part of the supporting member, the pivotal element being rotatably supported to the cross frame]

a stopper fixed to the side frame and disposed in front of  
the headrest for stopping the headrest from pivotal motion.

16. (Twice Amended) A seatback according to claim 15,  
[wherein the cross frame is disposed between the pivotal element and the headrest]

wherein the headrest includes:

a supporting member supporting a seat pillow;  
a pressure receiving member extending from the  
supporting member; and

wherein the pivot is between the supporting member and the  
pressure receiving member, and the pivot is supported to the

seatback frame for rotatably supporting the supporting member.

18. (Twice Amended) A seatback according to claim [17] 16,  
wherein the stopper includes a first stopper extending  
[extends] longitudinally relative to the [supporting] pressure  
receiving member for stopping the pressure receiving member from  
rearward pivotal motion.

19. (Twice Amended) A seatback according to claim [17] 16,  
wherein the stopper includes a second stopper extending  
[extends] transversely relative to the supporting member for  
stopping the supporting member from frontward pivotal motion.

20. (Twice Amended) A seatback according to claim [15] 16,  
further comprising:

a resilient member biasing the [supporting] pressure  
receiving member to an original position.

21. (Twice Amended) A seatback according to claim 20,  
wherein the resilient member includes a spring bridged  
between [the] side frames.

22. (Twice Amended) A seatback according to claim [15] 16,  
further comprising:

a cover covering [the second] an end of the [supporting]  
pressure receiving member.

24. (Twice Amended) A seatback according to claim 22,  
wherein the cover has a hook, and a resilient member is  
engaged with the hook for biasing the [supporting] pressure  
receiving member to an original position.

25. (Twice Amended) A seatback according to claim [15] 16,  
wherein the [supporting] pressure receiving member includes  
a flat [part including the second] end.

28. (Twice Amended) A seatback according to claim [27] 16,  
wherein the supporting member further comprises:  
a holder [part fixed to the headrest supporting part and  
having] for fitting the [headrest fitted] seat pillow therein.